

Minutes of the Ashburnham Conservation Commission  
August 10, 2009

Present: MD: Marshall Dennis, Chairman                      CP: Christopher Picone  
            LD: Lorraine DeSouza                                      LC: Lori Capone, Conservation Agent

7:30 PM            MD opened the meeting of the Conservation Commission under M.G.L. Ch 131, Sect. 40 and in accordance with the Ashburnham Wetlands Protection Bylaw

7:32 PM            MD opened the Notice of Intent Hearing for Vincent and Cheryl Dovydaitis of 66 Lincoln Avenue for a proposed upgrade to an existing septic system, located within the buffer zone. MD asked if there were any abutters to speak for or against the application: none were present. Christopher Mossman of Trowbridge Engineering presented the plan to the Commission for the applicant, who was not present. Mr. Mossman explained that the system must go within the buffer zone due to soil conditions and the location of existing wells. The proposed system is located 60 feet from the wetland. A Variance has been obtained from the Board of Health. The existing septic tank will be pumped, crushed and filled. The existing leach field will be abandoned.

LD: Motion to close the Hearing

CP: Seconded the Motion

Motion carried unanimously 3-0

LD: Motion to issue an Order of Conditions per plan and discussion

CP: Seconded the Motion

Motion carried unanimously

7:39 PM            Doug Briggs, Town Administrator, introduced himself to the Commission and discussed the Goals and Objectives process. He will meet with the Commission again in October.

7:50 PM            MD opened the Hearing for the Conservation Commission to revise their fee schedule under the Wetlands Bylaw. No one from the general public was present. MD read the revised fee schedule. There was much discussion.

LD: Motion to close the Hearing

CP: Seconded the Motion

Motion carried unanimously 3-0

LD: Motion to accept the revised fee schedule under the Wetlands Bylaw

CP: Seconded the Motion

Motion carried unanimously 3-0

8:12 PM            Gary Howland addressed the Commission. LD recused herself from the discussion due to a potential conflict of interest. Mr. Howland passed out maps of the Southern Monadnock Project. In 2007, Mr. Howland discussed this project with the Commission and obtained a letter of support. Mr. Howland explained that the State did not want to hold all the CRs involved in the project and as the CR must be held by the State or the Town, Mr. Howland would like the

Conservation Commission to hold the CR on the Rice property. The Commission would be responsible for monitoring the property once a year. Mr. Howland also discussed the need for two appraisals. He estimated that the total cost for these appraisals would be approximately \$9000.00, but that these costs would be reimbursed once the project was completed. A funding source for the appraisals, however, has yet to be identified. There was much discussion. The Commission decided to meet with the BOS to ensure they would support the Commission with any potential legal actions associated with holding the CR. The Commission also requested to see a draft of the CR for review.

\* LD rejoined the Commission

Other Business:

- Progress at Bray Avenue was discussed
- LC updated the Commission regarding the status of the replication area at 30 River Styx Road.
- LC informed the Commission that Ms. Dion of 4 Liberty Lane has appealed the Order of Conditions to the DEP.
- LD requested LC investigate a tree clearing project on Lakeshore Drive. LC determined that the trees were outside the buffer zone.
- LC informed the Commission that she is in receipt of a request for a three year Extension for Lot 2 Old County Road. The Commission decided to postpone acting on this request so that MD could review the site.
- LC informed the Commission that she is in receipt of a request for three year Extension for 21 Moore Road.  
MD: Motion to issue a three year Extension  
CP: Seconded the Motion  
Motion carried unanimously 3-0
- MD: Motion to approve the minutes of July 27, 2009, as amended  
CP: Seconded the Motion  
Motion carried unanimously 3-0
- LC informed the Commission that she received a complaint regarding the performance of perk testing on a lot on Sunset Lake. Since exploratory testing is allowed under the WPA, LC referred the matter to the Board of Health

\* CP recused himself from the Commission for the following matter

MD: Motion to proceed under the Rules of Necessity due to the lack of a quorum

LD: Seconded the Motion

Motion carried unanimously 2-0

- CP presented a Determination of Negligible Impact for an 8'x 10' shed located 90 feet from the wetland at 49 Willard Road. Disturbance to the buffer zone consists of removing a few saplings and installing two sonotube footings  
MD: Motion to issue a Determination of Negligible Impact

LD: Seconded the Motion  
Motion carried unanimously 2-0

\* CP rejoined the Commission

- LC presented a Determination of Negligible Impact for 420 Ashby Road for the removal of trees. LC showed pictures. The Commission approved removal of all trees presented but requested the stumps remain. LC noted that part of the lawn area that was mowed by a previous owner was wetland. The Commission allowed this area to continue to be mowed but any ground disturbance would require a filing with the Commission.

MD: Motion to issue a Determination of Negligible Impact

LD: Motion to adjourn  
MD: Seconded the Motion  
Motion carried unanimously 3-0

Meeting adjourned at 10:30 PM  
Respectfully submitted by Lori Capone, Conservation Agent